

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF GEORGIA  
AUGUSTA DIVISION

IN RE	:	CHAPTER 13
	:	
ROGER L WHITEHEAD	:	CASE NO. 21-10380-SDB
AND ALICIA M WHITEHEAD,	:	
	:	
Debtors.	:	
	:	
	:	
AMERICREDIT FINANCIAL	:	
SERVICES, INC. DBA GM	:	
FINANCIAL,	:	
	:	CONTESTED MATTER
Movant,	:	
	:	
v.	:	
	:	
ROGER L WHITEHEAD	:	
AND ALICIA M WHITEHEAD,	:	
Debtors;	:	
and HUON LE, Trustee,	:	
	:	
Respondents.	:	

**OBJECTION TO CONFIRMATION OF CHAPTER 13 PLAN**

COMES NOW AmeriCredit Financial Services, Inc. dba GM Financial (the "Movant"), a creditor of the referenced Debtors, and hereby moves this Court to deny confirmation of Debtors' Chapter 13 Plan. In support of its objection, the Movant shows the Court as follows:

1.

On June 16, 2021, Roger L Whitehead and Alicia M Whitehead ("Debtors") filed a Voluntary Petition pursuant to 11 U.S.C. Section 1301 et seq., and said case is presently pending before this Court.

2.

Movant has a net claim in this case secured by a 2017 Jeep Cherokee (the "Collateral"). Movant filed its proof of claim in the approximate amount of \$11,489.30.

3.

Debtors' Chapter 13 Plan proposes to pay Movant at \$13,000.00 with 3.25% interest, monthly payments of \$220.00 and adequate protection payments of \$0.00.

4.

Debtors' plan provides for 3.25% interest rate. Debtors are not providing Movant with an adequate enough risk factor. At the very least, Debtors should be offering a prime + 3% risk factor. Prime was 3.25% when this case was filed. *Till* suggests the appropriate interest rate in this case to be 6.25%.

5.

Debtors propose monthly payments of \$220.00. If Movant is paid its full claim amount with 6.25% interest, then the monthly payment must be increased to \$223.00.

6.

Movant has no proof of full coverage insurance on the Collateral and is therefore not adequately protected.

7.

The Collateral is depreciating through use and over time and Debtors are not adequately protecting Movant's interest in the Collateral. Debtors' plan does not provide pre-confirmation adequate protection payments. Movant requests adequate protection payments of \$114.00, which is approximately 1% of the claim.

8.

Any increase in pre-confirmation adequate protection payments prior to Confirmation needs to be made to have the effect of being retroactive to the filing date to pay Movant the correct amount of adequate protection (i.e., a lump sum amount that will be enough to make up for the difference in adequate protection previously disbursed by the Trustee and what Movant is entitled to).

WHEREFORE, the Movant prays that its Objection to Confirmation of Chapter 13 Plan be inquired into and sustained and that it has such other and further relief as this Court deems just and proper.

This July 23, 2021.

The Law Office of  
LEFKOFF, RUBIN, GLEASON, RUSSO & WILLIAMS, P.C.  
Attorneys for Movant

By: /s/Philip L. Rubin  
Philip L. Rubin  
Georgia State Bar No. 618525

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	:	
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**CERTIFICATE OF SERVICE**

The undersigned, Philip L. Rubin, hereby certifies that I am, and at all times hereinafter mentioned, was more than 18 years of age, and that I served the OBJECTION TO CONFIRMATION OF CHAPTER 13 PLAN on the following parties 1) electronically, if allowed by and pursuant to the requirements of local rule, or 2) by depositing same in the United States Mail in properly addressed envelope(s) with adequate postage to all others, as follows:

Roger L Whitehead  
Alicia M Whitehead  
3703 Lexington Drive  
Augusta, GA 30906

Angela McElroy-Magruder  
512 Telfair Street  
Augusta, GA 30901

Huon Le  
Chapter 13 Trustee  
P.O. Box 2127  
Augusta, GA 30903

This July 23, 2021.

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